

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Edward Tsigel	Team: Squad #17	CCRB Case #: 202208668	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 12/20/2022 11:00 AM	Location of Incident: § 87(2)(b)	18 Mo. SOL 6/20/2024	Precinct: 120		
Date/Time CV Reported Tue, 12/20/2022 3:00 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 12/20/2022 3:00 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. PO Michael Meyerson	04186	956931	120 PCT
2. PO Matthew Panik	06368	961064	120 PCT

Officer(s)	Allegation	Investigator Recommendation
A . PO Michael Meyerson	Abuse: Police Officer Michael Meyerson entered § 87(2)(b) in Staten Island.	§ 87(2)(g), § 87(4-b)
B . PO Matthew Panik	Abuse: Police Officer Matthew Panik entered § 87(2)(b) in Staten Island.	§ 87(2)(g), § 87(4-b)
C . PO Michael Meyerson	Abuse: Police Officer Michael Meyerson forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(g), § 87(4-b)
D . PO Matthew Panik	Abuse: Police Officer Matthew Panik forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(g), § 87(4-b)
E . PO Matthew Panik	Abuse: Police Officer Matthew Panik searched § 87(2)(b)	§ 87(2)(g), § 87(4-b)
F . PO Michael Meyerson	Abuse: Police Officer Michael Meyerson failed to provide § 87(2)(b) with a business card.	§ 87(2)(g), § 87(4-b)
G . PO Matthew Panik	Abuse: Police Officer Matthew Panik failed to provide § 87(2)(b) with a business card.	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(g), § 87(4-b)

Case Summary

On December 20, 2022, § 87(2)(b) called the CCRB and filed this complaint.

On December 20, 2022, at 11:00 AM, Police Officer Michael Meyerson and Police Officer Matthew Panik, both of the 120th Precinct, responded to a 911 complaint about § 87(2)(b) at § 87(2)(b) in Staten Island. PO Meyerson and PO Panik entered § 87(2)(b) home (Allegations A and B – Abuse of Authority – § 87(2)(g) PO Meyerson and PO Panik forcibly removed § 87(2)(b) to the hospital (Allegations C and D – Abuse of Authority – § 87(2)(g) PO Panik searched § 87(2)(b) (Allegation E – Abuse of Authority – § 87(2)(g) PO Meyerson and PO Panik did not provide their business cards to § 87(2)(b) upon her request (Allegation F – Abuse of Authority – § 87(2)(g) (Allegation G – Abuse of Authority – § 87(2)(g)

§ 87(2)(g), § 87(4-b)

There was no arrest made or summons issued as a result of this incident.

The investigation received two Body Worn Camera (BWC) videos of this incident (BR 06, 07). There is no additional video footage of this incident.

This case was originally assigned to Investigator Julia Vittore and was reassigned to Investigator Edward Tsigel.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Michael Meyerson entered § 87(2)(b) in Staten Island.

Allegation (B) Abuse of Authority: Police Officer Matthew Panik entered § 87(2)(b) in Staten Island.

Allegation (C) Abuse of Authority: Police Officer Michael Meyerson forcibly removed § 87(2)(b) to the hospital.

Allegation (D) Abuse of Authority: Police Officer Matthew Panik forcibly removed § 87(2)(b) to the hospital.

Allegation (E) Abuse of Authority: Police Officer Matthew Panik searched § 87(2)(b)

Allegation (F) Abuse of Authority: Police Officer Michael Meyerson failed to provide § 87(2)(b) with a business card.

Allegation (G) Abuse of Authority: Police Officer Matthew Panik failed to provide § 87(2)(b) with a business card.

It is undisputed that on December 20, 2022, at 11:00 AM, PO Meyerson (BR 01, 02) and PO Panik (BR 03, 04), responded to multiple 911 and 311 complaints about § 87(2)(b) (BR 05) being a disturbance at § 87(2)(b) and requested Emergency Medical Services (EMS) to the scene. While waiting for EMS, they entered § 87(2)(b) house. Emergency Medical Technicians (EMT) arrived at the scene and spoke to § 87(2)(b) was removed to the § 87(2)(b) psychiatric ward. § 87(2)(b) asked PO Meyerson and PO Panik for their business cards, and they did not provide them to her.

§ 87(2)(b) (BR 05) stated that she went inside her house to get a jacket and PO Meyerson and PO Panik followed her inside. Neither PO Meyerson nor PO Panik asked § 87(2)(b) for consent to enter her house, nor did § 87(2)(b) voluntarily provide consent for the officers to enter. She stated that once the EMTs arrived, PO Panik told her that she would be handcuffed if she did not voluntarily go to the hospital. The officers escorted her to the ambulance and she was removed to § 87(2)(b)

At 1:00 of PO Panik's BWC video (BR 06), PO Panik and PO Meyerson arrive at § 87(2)(b) house and speak to § 87(2)(b) outside the house. § 87(2)(b) complains that her neighbors are watching her with cameras. At 2:25, § 87(2)(b) asks the officers, "You got cards? You got cards? Cause you've been here before." At 2:53, § 87(2)(b) asks the officers, "Do I have your cards?" PO

Panik responds, "Yeah you know my name, Panik, I've been here many times, I gave you cards before." The officers do not provide § 87(2)(b) with their business cards. At 3:20, § 87(2)(b) sister, § 87(2)(b) pulls up to the location in her vehicle. PO Panik explains to § 87(2)(b) and § 87(2)(b) that many people called 311 and complained about § 87(2)(b) yelling and screaming outside. PO Panik tells § 87(2)(b) that if she continues to scream and curse, then she will be removed to the hospital. § 87(2)(b) continues to complain about her neighbors and curse. At 4:30, PO Meyerson tells PO Panik that they should call an ambulance. At 4:45, PO Panik calls an ambulance to the location "for an EDP," as § 87(2)(b) shouts at her neighbor across the street. Between 5:00 and 18:45, the officers wait for the ambulance to arrive. While they wait, PO Panik speaks to § 87(2)(b) about § 87(2)(b) medical history, who says that she does not have any medical history but has ongoing disputes with her neighbors. § 87(2)(b) continuously complains about her neighbors watching her and wanting her to leave her home. At 15:45, § 87(2)(b) enters her house. PO Panik says, "Alright we're going to come in with you." § 87(2)(b) responds, "No, no you're not." PO Panik, PO Meyerson, and § 87(2)(b) enter the house. At 16:00, PO Panik asks § 87(2)(b) if they can close the door so it stays warm inside. § 87(2)(b) responds, "No, you could stay outside." PO Panik asks her to go outside with them and she says no. PO Panik tells her that they have an ambulance coming so EMTs can talk to her. At 17:00, § 87(2)(b) says that she is not going to the hospital and PO Meyerson says that the EMTs are only going to talk to her. At 17:35, PO Panik says that officers do not decide that and that it is up to the EMTs to decide that. At 17:50, PO Panik asks § 87(2)(b) for a piece of paper, which she provides, and he writes his rank, name, shield number, and command on it. At 18:45, PO Panik walks outside and speaks with EMTs. He explains to them that § 87(2)(b) was screaming out the window at neighbors and is paranoid. At 20:30, PO Panik enters the house with the EMTs. Between 20:35 and 25:10, the EMTs speak with § 87(2)(b). At 24:15, an EMT asks § 87(2)(b) to come with them and she says no. At 24:55, while § 87(2)(b) speaks with an EMT, the other EMT looks at PO Meyerson, quickly glances at § 87(2)(b) and nods his head to the side. PO Meyerson nods his head in response. At 25:05, PO Panik tells § 87(2)(b) that they have to go to the hospital. § 87(2)(b) refuses and PO Panik threatens to put her in handcuffs. At 26:05, § 87(2)(b) asks an EMT what they are going to do and he says that they will take her to the hospital and have her see a doctor. At 27:10, § 87(2)(b) agrees to go to the hospital and goes to get her belongings. At 28:10, PO Panik says, "I got to make sure there is nothing in your bag for the ambulance." § 87(2)(b) hands him her bag and he searches within it. PO Panik does not find any contraband and hands the bag back to her. Between 30:45 and 32:56, § 87(2)(b) exits her house and then walks to and enters the ambulance. PO Meyerson's BWC video (BR 07) is consistent with PO Panik's BWC video. At no point does PO Meyerson provide a business card or otherwise provide his identifying information to § 87(2)(b).

PO Meyerson (BR 01, 02) and PO Panik (BR 03, 04) both stated that upon arriving to the scene, § 87(2)(b) was screaming, rambling incoherently, and was paranoid, thus they believed that she was an emotionally disturbed person and they requested EMS so that she could be evaluated. They did not believe she was an emotionally disturbed person for any other reasons. They followed § 87(2)(b) into her house when she went to get her jacket to make sure that she did not barricade herself in her house before the EMTs arrived at the scene and evaluated her. PO Panik believed that § 87(2)(b) was a danger to herself and to others, however, he could not clarify why he believed this. They did not obtain § 87(2)(b) consent to enter because they did not believe they needed it due to safety concerns. Once the EMTs arrived at the scene, they spoke to § 87(2)(b) and determined that she needed to be taken to the hospital. The officers told § 87(2)(b) she needed to go to the hospital, and she eventually walked to the ambulance herself. PO Meyerson stated that he did not provide his business card to § 87(2)(b) upon her request because she knew who he was and because he had responded to her house multiple times before, during which times he provided his business card to her. PO Panik stated that he did not provide his business cards to § 87(2)(b) upon her request because his business cards were in his vehicle and he did not have any on him. He did not want to go to the vehicle to get the business cards because he did not want to leave PO Meyerson alone with

§ 87(2)(b) for his safety since § 87(2)(b) was screaming and not calm during the incident. Instead, he provided his name and shield number verbally and also wrote his name, shield number, and command on a piece of paper for § 87(2)(b). PO Panik stated that he searched § 87(2)(b)'s bag before she entered the ambulance for the EMTs' safety. He stated that it is procedure to search individuals before they are placed into ambulances for the EMTs' safety. PO Panik did not have any particular reason to believe that § 87(2)(b) had anything on her which was a potential danger to herself, officers, or EMTs, however, he stated that on prior occasions when § 87(2)(b) was removed to the hospital, she was carrying scissors with her.

People v Rodriguez, 77 A.D. 3d 280 (2010) (BR 08) establishes that, under the emergency doctrine, officers may enter a civilian's home without a warrant in emergency situations. The emergency doctrine requires that officers have a "reasonable basis to believe that there is an emergency at hand that required their immediate assistance for the protection of life" and a strong belief that the emergency is occurring in the location to be entered.

Patrol Guide Procedure 221-13 (BR 09) defines an emotionally disturbed person as a person who appears to be mentally ill or temporarily deranged and is conducting themselves in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others.

PO Meyerson and PO Panik entered § 87(2)(b)'s house because they believed she was a danger to herself and others, and to prevent her from barricading herself inside before being evaluated. However, neither officer could explain why they believed she was a danger to herself or others, or whether there was an indication that she would barricade herself inside the house. Despite displaying erratic behavior as depicted in the video evidence, § 87(2)(b) was not conducting herself in a manner which was likely to result in serious injury to herself or others at any point throughout the incident. § 87(2)(g)

Patrol Guide Procedure 216-01 (BR 10) states that in any occurrence which requires that a person, other than a prisoner, receive medical aid or assistance including but not limited to, individuals who are mentally ill, officers must cooperate with and assist ambulance/hospital personnel in every reasonable manner.

BWC footage shows that EMTs made the decision to remove § 87(2)(b) to the hospital as they spoke with § 87(2)(b) in the presence of police officers. § 87(2)(g)

In People v. De Bour, 40 N.Y.2d 210 (BR 11), the court found that to justify a frisk of an individual, officers must have reasonable suspicion that the person is armed. Only once a frisk has returned positive possible results may officers then search the individual.

Although § 87(2)(b) may have had scissors on her during prior incidents, during this incident, PO Panik did not have any particular reason to believe that § 87(2)(b) had any weapons on her that were a potential danger to herself, officers, or EMTs. Furthermore, he did not conduct a frisk prior to the search. § 87(2)(g)

NYC Administrative Code 14-174 (BR 12) states that an officer is required to provide a business card to any person upon request. In case an officer's pre-printed card supply has been depleted, a handwritten card shall be provided and include at minimum: The name, rank, shield number, and command of the officer.

It is undisputed that § 87(2)(b) asked PO Meyerson for his business card and that he did not provide one to her, or any record of his identifying information, as required by NYC Administrative Code 14-174. § 87(2)(g)

[REDACTED]

[REDACTED]

[illegible]

[illegible]

- Police Officer Matthew Panik has been a member of service for seven years and has been a subject in six other CCRB complaints and ten other allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

On February 23, 2023, this case was sent to mediation and on March 21, 2023, the case was returned to investigation as the mediation was unsuccessful.

As of July 28, 2023, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (BR 16).

§ 87(2)(b), [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

- This complaint did not contain any allegations of Racial Profiling/Bias-Based Policing.

Squad Leader: Benjamin Shelton AIM Benjamin Shelton 10/30/2023

Signature

Print Title & Name

Date

Reviewer:

Signature

Print Title & Name

Date